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REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

03678.0023.CNUS03

In re Application of: Benjamin R. YERXA, et al.

Application No.: 10/041,826

Filed: January 3, 2002

For: METHOD OF ENHANCING DRAINAGE OF LACRIMAL SYSTEM WITH PURINERGIC RECEPTOR AGONISTS

The owner*, Inspire Pharmaceuticals, of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/010,055, filed on 11/09/01, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 41,131

Signature

November 1, 2004

Date

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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